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September 9, 2004

RECEIVED

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-B204
Washington, DC 20554

SEP - 9 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Re: Federal-State Joint Board on Universal Service
Petition for Waiver – Expedited Action Requested
filed by Smith Bagley, Inc.
CC Docket No. 96-45**

Dear Madam Secretary:

On behalf of Smith Bagley, Inc. ("SBI"), we write to follow up on a request from the Commission staff to provide additional information in connection with the above-referenced Petition for Wavier, filed in March of this year.

In a recent meeting with the staff, SBI was asked to provide a map of the Eastern Agency of the Navajo Nation. In response, we have obtained from the Bureau of Indian Affairs ("BIA") two maps, attached hereto.

The black and white map is a BIA map of the Navajo Nation, containing notations as to the various Executive Orders, Acts and Public Law's enacted to add or remove trust lands to the Navajo Reservation. That map includes an outline of the Eastern Agency. The map also describes the Eastern Agency as having been added as reservation land by Executive Order in 1907 and removed by Executive Orders in 1908 and 1911.

The color map, which was also provided by the BIA, was represented to be the best map they have available to depict in detail the "checkerboard" area and various allotments within the Eastern Agency. We have reprinted that map in its original size so as to provide the Commission with the best possible picture.

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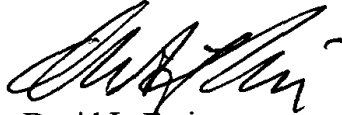
Hon. Marlene H. Dortch
September 9, 2004
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In reviewing these maps, we are convinced that a waiver of Section 54.400(e) to permit the entire Eastern Agency to be treated as Near Reservation land will best serve the citizens living in that area. The population there is overwhelmingly Native American and, as set forth in our waiver, each of the considerations that the BIA undertakes when determining whether to designate a particular area as "near Reservation" is present throughout the Eastern Agency.

Finally, the areas most in need of new telephone service are not within the traditional BIA definition of Near Reservation. They are remote towns located significant distances from Gallup and other population centers, some of which landline telephone service does not today reach, as well as vast areas in between. By extending Tier 4 Lifeline support to these areas, any ETC will be able to deliver high-quality basic telephone service to consumers and SBI pledges that unserved people will see new telephone service for the first time as a result of construction it is currently undertaking as a result of its recent designation as an ETC in the Eastern Agency.

Should you have any questions or require any additional information, please contact undersigned counsel directly.

Sincerely,

A handwritten signature in black ink, appearing to read "David LaFuria", with a stylized flourish at the end.

David LaFuria
Counsel for Smith Bagley, Inc.

cc: A. Cheng, Esq.
G. Fullano, Esq.

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2 Large Maps